IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO.263/2001

1. Mr. Savio D'Souza, major,
   r/o House No.33/A,
   Poitomado, Cuncolim,
   Salcete, Goa,

2. Mrs. Carmina D'Souza,
   wife of lat Francisco
   D'Souza, major, r/o
   House No.71, Poitomado,
   Cuncolim, Salcete, Goa,

3. Mr. John Piedade Baptista
   Satiro D'Souza, major, r/o
   Tulshiram Coop. Housing
   Society Ltd., "Sunil"-B,
   Flat No.4, Ground Floor,
   Mumbai 400 080, (represented
   by his duly constituted
   attorney, Mrs. Sylvia
   Gomes, r/o Poitomado,
   Cuncolim, Salcete, Goa). ... Petitioners.

Versus

1. State of Goa, through
   the Secretary (Revenue),
   with its office at
   Secretariat, Panaji, Goa,

2. The Land Acquisition Officer
   & Dy. Collector, Collectorate
   of South Goa, Land Acquisition
   Branch, Margao, Goa, and

3. Mr. Anthony Coutinho,
   major, r/o Survey No.30/17,
   18, Veroda village, Salcete
   Taluka. ... Respondents.

Shri S. D. Lotlikar, Sr. Advocate with Shri A. D. Bhobe, advocate for the petitioners.

Shri A.N.S. Nadkarni, Advocate General with Shri A.P. Lawande, Govt. Advocate for respondents no.1 & 2.

Shri M. S. Sonak, advocate for respondent no.3.

CORAM: F.I. REBELLO &
A.S. AGUIAR, JJ.

DATE: 7th January, 2002.

ORAL JUDGMENT (Per Rebello, J.)

Rule.

2. Respondents waive service. Heard forthwith.

3. The petitioners by the present petition impugn the Notification passed under Section 4 of the Land Acquisition Act, 1894, the invocation of the Urgency Clause under Section 17 and the consequent Declaration under Section 6 of the Land Acquisition Act.

4. For the view being taken it is not necessary to go into the various controversies. The contention of the petitioners is that the land has been acquired for the purpose of a road to a house which is already existing. They have challenged the acquisition on various grounds, which need not be gone into.

5. Considering the fact that the house is already existing the issuance of the Urgency Clause at least, finds no support with the material on record.

6. On behalf of respondents no. 1 and 2, the learned Advocate General makes a statement that the petitioners will be given a hearing under Section

5 A of the Land Acquisition Act. Considering that the following Order is passed:-

Rule made absolute in terms of prayer clause (i) insofar as Notification No.22/55/2000-RD dated 24th July, 2001, at Exhibit "I" to the petition and the Notification under Section 17(1) and (4) only insofar as Notification No.22/55/2000-RD dated 20th June, 2000 are concerned. The respondents no.1 and 2 are directed to hear the petitioners on the objections to be filed, within 30 days from today. There shall be no order as to costs.

It is made clear that all other contentions raised by the petitioners are left open for consideration if the petitioners are so advised to take any remedy against any order that may be passed against them.

F.I. REBELLO,J.

A.S. AGUIAR,J.